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ON PETITION

In re Application of
Christian A. Gilmore et al.
Application No. 09/495,799
Filed: February 1, 2000
Attorney Docket No. 1999-0225

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This is a decision on the renewed petition, filed May 18, 2006 under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned April 29, 2004 for failure to timely reply to the final Office Action mailed January 28, 2004, which set a three month shortened statutory period for reply. Accordingly, a Notice of Abandonment was mailed February 23, 2005. A petition to revive was filed June 22, 2005 but was dismissed in a decision mailed April 21, 2006 because a proper response to the Final Office Action was not included with the petition.

Comes now petitioner with the instant renewed petition and a Request for Continued Examination (RCE) as the response to the final rejection. Petitioner requests that the amendment filed June 22, 2005 be considered as the submission required under 37 CFR 1.114.

¹ A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

All other requirements having been met, this application is being forwarded to Technology Center 2165 for processing of the RCE.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions